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APPLICATION NO.	. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/551,489	09/29/2005	Robert Bann	ROCKCO P70AUS	4142	
20210	7590 03/26/2007	`	EXAM	EXAMINER	
112 PLEASAN	OLD, P.L.L.C. IT STREET	•	EVANS, GEOFFREY S		
CONCORD, NH 03301			ART UNIT	PAPER NUMBER	
		1725			
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SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE	
3 MO	NTHS	03/26/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

1)⊠ Responsive to communication(s) filed on <u>08 January 2007.</u> 2a)⊠ This action is FINAL. 2b)□ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)⊠ Claim(s) <u>29-39</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)⊠ Claim(s) <u>29-38</u> is/are allowed. 6)⊠ Claim(s) <u>39</u> is/are rejected. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.65(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of: 1□ Certified copies of the priority documents have been received in Application No 3.⊠ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.			Application No.	Applicant(s)					
Cooline   S. Evans   1725	Office Action Summary		10/551,489	BANN ET AL.	:				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Elements of the many be entitled under the provision of 37 FRT 13/60, in no event, however, may a reply be timely filled.  If NO partied for reply is specified above, the maximum statutory price will apply one will expire SIX (8) MONTHS from the mailing data of this communication. Pelluls to reply which his set of cashed period for reply is specified above, the maximum statutory price will apply any will be set and the set of the communication, even if timely filled, may reduce any sense patient term septement. Set 2 FRT 17/61/71.  Status  Status  Yill Responsive to communication(s) filed on 08 January 2007.  2a   This action is FINAL.  2b   This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 Q.G. 213.  Disposition of Claims  4   Claim(s) 29-39 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5   Claim(s) 29-39 is/are allowed.  6   Claim(s) are subject to restriction and/or election requirement.  Application Papers  9   The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11   The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12   Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)   All b   Some *c   Certified copies of the priority documents have been received.  2   Certified copies of the priority documents hav			Examiner	Art Unit	· · · · ·				
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMÜNICATION.  Edaminion from may be available under the provided and 57 GPT 113(6). In a event, however, may a reply be timely filed after SX (5) MONTHS from the mailing date of this communication. A reply and will reply 68 (6) MONTHS from the mailing date of this communication. Failub to reply which the set or control depend for reply will, by tastion, some the application become ABMANDEN(C) 63 U.S.C. § 130). Any reply received by the Office later than these months after the mailing date of this communication, even if Smely filed, may reduce any sense plant time adjustment. See 27 CFR 1.76(6).  Status  1) □ Responsive to communication(s) filed on 08 January 2007.  2a) □ This action is FINAL.  2b □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 □ Claim(s) 29-39 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 □ Claim(s) 29-38 is/are allowed.  6 □ Claim(s) 29-38 is/are allowed.  6 □ Claim(s) 29-38 is/are allowed.  7 □ Claim(s) 29-38 is/are allowed.  8 □ Claim(s) 39 is/are rejected.  7 □ Claim(s) 39 is/are subject to restriction and/or election requirement.  Application Papers  9 □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) inducing the corrections required file drawing(s) be deleted to See 37 CFR 1.121(d).  11 □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ Acknowledgment is made of a claim for foreign priority documents have been received in this National Stage appli		The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
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Application/Control Number: 10/551,489 Page 2

Art Unit: 1725

## **DETAILED ACTION**

1. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The metes and bounds of a workpiece or product that is micro-machined by the apparatus of claim 34 is unclear, as it is unclear what steps have been performed by the apparatus.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Hunter et al. in U.S. Patent Application Publication No. 2002/0125231. Hunter et al. discloses a product (wafer 4) that has been micro-machined by a laser beam.
- 4. Claim 39 is rejected under 35 U.S.C. 102(b) as being anticipated by Nantel et al. in U.S. patent No. 6,621,060. Nantel et al. discloses a product (workpiece; see column 5,line 12) that has been micro-machined by a laser beam.
- 5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Apparatus and Method for Laser Micromachining".

Application/Control Number: 10/551,489 Page 3

Art Unit: 1725

6. Applicant's arguments with respect to claims of record have been considered but are most in view of the new ground(s) of rejection caused by the submission of new independent claim 39.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Claims 29-38 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S. Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

Art Unit: 1725

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Geoffrey S Evans Primary Examiner Art Unit 1725

GSE